

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNOLL, INC.,

Plaintiff,

No. 11 cv. 0488 (AKH)
ECF CASE

-against-

MODERNO, INC. AND URBAN MOD, INC.
d/b/a REGENCY SHOP, AND MIKE SAXENA

Defendants.

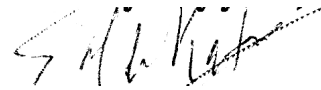
DECLARATION OF SALEM M. KATSH

SALEM M. KATSH, under penalty of perjury, duly declares and says:

1. I am Managing Member of Katsh & Associates LLC ("K&A"), co-counsel of record herein. I make this declaration on personal knowledge.
2. This declaration is made in support of K&A's motion for an order, pursuant to Local Rule 1.4, granting leave of Court to withdraw as counsel of record.
3. The ground for this motion is defendants' discharge of K&A as counsel in this case. Specifically, on March 15, 2012, defendant Mike Saxena, on his own behalf and on behalf of the corporate defendants, which he owns or controls, advised declarant that he was terminating K&A's representation of the defendants in this case. Withdrawal is obligatory in these circumstances under Rule 1.16(b)(3) of New York's Rule of Professional Conduct.
4. K&A is making this motion at this time in view of the apparent collapse of settlement discussions that took place over the past month. The defendants were represented in these discussions by K&A's co-counsel Robert Tilewick. Having been discharged by defendants as counsel, K&A was unauthorized to play, and did not play, any role in the discussions.
5. K&A will provide relevant files and otherwise fully cooperate with substitute counsel to ensure an efficient transfer of responsibilities.

6. K&A's co-counsel, Robert Tilewick, is also moving for leave to withdraw. The statements he makes in his declaration about his role in the case are, based on declarant's personal knowledge, true and correct. Mr. Tilewick was hired as a contract attorney to perform tasks K&A assigned to him and subject to K&A's supervision. Declarant has great respect for Mr. Tilewick, but he was never given responsibility for decisions relative to the conduct of any aspect of the case.
7. Our assumption is that the Court would wish to provide defendants with time to hire new counsel, and we will assist in that process to the extent defendants request us to do so. Accordingly, the proposed Order we are submitting provides for a 60 day stay of proceedings in this case to the end that defendants will have sufficient time to retain substitute counsel.
8. Defendants are being served with theses motion papers by email as well as by Federal Express priority mail.

WHEREFORE, declarant respectfully requests that the within motion by K&A and Mr. Tilewick be granted and that the proposed Order, which is attached to the motion, be entered by the Court.



Salem M. Katsh